

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Erica C. Clark

Case No.: _16-31591

Judge: __Papalia

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

Date: __November 7, 2017

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: jke

Initial Debtor: EC

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 219 per month to the Chapter 13 Trustee, starting on December 1, 2017 for approximately 48 months. Debtor has paid thus far \$1,463.00 into the plan during the past 12 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE Marie Ann Greenberg	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE – Nicholas Fitzgerald	ADMINISTRATIVE	BALANCE DUE: \$ 2,500

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Chase Auto Finance	2016 Honda Accord LX	\$881.70	0.00	881.70	\$488.00

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☒ Not less than 100% percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Navient Solutions on Behalf of NJHEAA (Claim #3)	Student Loan, non-dischargeable	Paid outside of plan	\$0.00
Navient Solutions on Behalf of Department of Education Loan Services (Claims #6)	Student Loan, non-dischargeable	Paid through plan	\$4842.93

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Landlord	0.00	Residential Lease	Assumed	\$572.00
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Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative/Priority _____
- 3) Secured _____
- 4) Unsecured _____

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 2/24/17

Explain below **why** the plan is being modified:

Debtor is not eligible for discharge and must pay all her claims. She cannot afford previous payment and most of the debt of the claims (approx 12K) is student loans.

Explain below **how** the plan is being modified:

Change treatment of one of the student loans to outside of the plan and reduce payments for remaining 48 months of the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 11/7/17

Genie K. Cassella
Attorney for the Debtor

Date: 11/7/17

ECAS
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 11/7/17

Genie K. Cassella
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 11/7/17

ECAS
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 11
 United States Bankruptcy Court
 District of New Jersey

In re:
 Erica C. Clark
 Debtor

Case No. 16-31591-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 20

Date Rcvd: Nov 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2017.

db +Erica C. Clark, 1055 Bond Street, #1, Elizabeth, NJ 07201-1473
 516642243 +Capital One, PO Box 30285, Salt Lake City UT 84130-0285
 516642244 +Credit One Bank, PO Box 97773, Las Vegas, NV 89193-7773
 516642245 +Dept of Ed/Navient, Attn: Claims Dept, PO Box 9400, Wilkes Barre, PA 18773-9400
 516675100 +Elizabethtown Gas, 520 Green Lane, Union, NJ 07083-7796
 516642246 +Midwest Recovery Systems, 2747 W. Clay Street, Saint Charles, MO 63301-2557
 516709647 +Navient Solutions, Inc. on behalf of, NJHEAA, PO BOX 548, Trenton, NJ 08625-0548
 516862610 Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635, Wilkes-Barre, PA 18773-9635
 516675101 +PSE&G, 80 Park Place, T5D, Newark, NJ 07102-4194
 516652327 State of New Jersey, Motor Vehicle Violations Surcharge, PO Box 4850, Trenton, NJ 08650-4850

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Nov 08 2017 22:44:10 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 08 2017 22:44:07 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516710774 +E-mail/Text: g20956@att.com Nov 08 2017 22:44:41 AT&T Mobility LLC, AT&T Services, Inc., Karen A, Cavagnaro, One AT&T Way Room 3A104, Bedminister, NJ 07921-2693
 516494499 +E-mail/Text: bk.notifications@jpmchase.com Nov 08 2017 22:43:57 Chase Auto Finance, National Bankruptcy Dept, 201 N Central Ave Ms Az1-1191, Phoenix, AZ 85004-1071
 516602482 E-mail/Text: bk.notifications@jpmchase.com Nov 08 2017 22:43:57 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038 - 9505
 516642247 +E-mail/PDF: pa_dc_claims@navient.com Nov 08 2017 22:46:33 Navient, Attn: Claims Dept, PO Box 9500, Wilkes Barre, PA 18773-9500
 516725359 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 08 2017 22:47:18 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067, Norfolk VA 23541
 516675102 +E-mail/Text: bankruptcy@pseg.com Nov 08 2017 22:43:25 PSE&G, PO Box 490, Cranford, NJ 07016-0490
 516642248 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 08 2017 22:52:41 Spot Loan, by American InfoSource LP, PO Box 248838, Oklahoma City, OK 73124-8838
 516520150 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 08 2017 23:03:26 Spot Loan, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 10

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 10, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor JPMORGAN CHASE BANK, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Jenee K. Ciccarelli on behalf of Debtor Erica C. Clark jeneeciccarelli.fitzlaw@gmail.com, nadiafinacial@gmail.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Nicholas Fitzgerald on behalf of Debtor Erica C. Clark nickfitz.law@gmail.com
 Sarah J. Crouch on behalf of Debtor Erica C. Clark nickfitz.law@gmail.com, nadiafinacial@gmail.com; fitzgeraldnj@stratusbk.com

TOTAL: 5